

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

IDANIA GRISELDA MUNOZ VILLATORO
AND KELVIN ANTONIO MUNOZ
VILLATORO,

Plaintiff,

v.

JB HUNT TRANSPORT, INC.,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

CIVIL NO. _____

DEFENDANT JB HUNT'S NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1332, 1441 and 1446, Defendant JB Hunt Transport, Inc. (**JB Hunt**) files this Notice of Removal from the 160TH Judicial District Court of Dallas County, Dallas, Texas, to the United States District Court for the Northern District of Texas, Dallas Division, and respectfully states the following:

Jurisdiction and Venue

1. Plaintiffs Inania Griselda Munoz Villatoro and Kelvin Antonio Munoz Villatoro initiated this action on January 3, 2018, by filing Plaintiff's Original Petition and Request for Disclosure (the **Petition**) in the 160th Judicial District Court, Dallas County, Dallas, Texas as Cause No. DC-18-00083 (the **State Court Action**). This Court has original jurisdiction over this action pursuant to 28 U.S.C. § 1332(a)(1). Because Plaintiff filed her Petition in Dallas County, Texas, venue is proper in the United States District Court for the Northern District of Texas, Dallas Division.

Timeliness of Removal

2. This Notice of Removal is timely filed. JB Hunt was served with citation and a copy of the Plaintiff's Original Petition in the State Court Action on January 18, 2018. This

Notice of Removal is being filed within thirty days after the receipt of the Petition and is timely under 28 U.S.C. § 1446(b).

Grounds for Removal

3. Plaintiff filed the State Court Action on January 3, 2018, asserting negligence claims against JB Hunt for personal injuries and property damage allegedly arising out of an incident on March 4, 2017. Plaintiff demanded a jury trial in the State Court Action.

4. The State Court Action may be removed to this Court, pursuant to 28 U.S.C. § 1441(a), because this court has original jurisdiction of the claims and parties in the State Court Action pursuant to 28 U.S.C. § 1332 and is the district and division embracing the place where the State Court Action is pending.

Diversity of Citizenship

5. Complete diversity of citizenship exists as the parties are citizens of different states. Plaintiffs are individual residents of Dallas County, Texas and are citizens of the state of Texas.

6. JB Hunt is a corporation formed under the laws of the state of Georgia with its principal place of business in Lowell, Arkansas. JB Hunt's headquarters are in Lowell, Arkansas, where JB Hunt's high level officers direct, control, and coordinate JB Hunt's activities. For diversity jurisdiction purposes, JB Hunt is a citizen of the states of Arkansas and Georgia.

Amount in Controversy

7. The amount in controversy exceeds \$75,000, excluding interest, costs and attorney's fees. Plaintiffs affirmatively pled in the Petition filed in state court that "Plaintiffs seeks monetary relief over \$100,000, but not more than \$2,00,000." Exhibit A, at ¶ II.

Required Documents

8. The following documents are attached in accordance with LR81:
- A copy of the docket sheet in the State Court Action, attached hereto as Exhibit B;
 - Index of all documents filed in state court, attached hereto as Exhibit C;
 - True and correct copies of all pleadings and process filed in the state court action, attached hereto as follows:

Exhibit A – Plaintiff's Original Petition and Request for Disclosure (filed in the State Court Action on January 3, 2018);

Exhibit D – Defendant JB Hunt's Original Answer (filed in the State Court Action on February 8, 2018); and,

Exhibit E – Citation on J.B. Hunt

Exhibit F – Return of Service on J.B. Hunt

- Certificate of Interested Persons attached hereto as Exhibit G

Notice of Removal

9. Pursuant to 28 U.S.C. § 1446(d), written notice of the filing of this Notice of Removal to all adverse parties and a true and correct copy of this Notice of Removal will be filed with the District Clerk of Dallas County, Dallas, Texas.

Request for Relief

Defendant JB Hunt Transport, Inc. requests that the Court make such orders, if any, and take such action, if any, as may be necessary in connection with the removal of the State Court Action to this Court; and such other and further relief, both general and special, at law and in equity, to which Defendant may show itself justly entitled.

Respectfully submitted,

/s/Michael C. Wright

Michael C. Wright

Texas Bar No. 22049807

mwright@rwtrial.com

RUSSELL & WRIGHT, PLLC

15770 Dallas Parkway, Suite 1050

Dallas, Texas 75248

(972) 267-8400 (office)

(972) 267-8401 (fax)

ATTORNEYS FOR DEFENDANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing document was served on the following counsel of record *via electronic transmission*, on February 12, 2018:

James Trujillo
Law Offices of Domingo Garcia, P.C.
400 S. Zang Boulevard, Suite 600
Dallas, Texas 75208

/s/Michael C. Wright

Michael C. Wright